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5 Attorneys for Plaintiffs CRAIG YATES
and DISABILITY RIGHTS ENFORCEMENT,
6 EDUCATION SERVICES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 CRAIG YATES, an individual; and)
11 DISABILITY RIGHTS, ENFORCEMENT,)
12 EDUCATION, SERVICES: HELPING)
13 YOU HELP OTHERS, a California public)
14 benefit corporation,)
15 Plaintiffs,)
16 v.)
17 ROSE WING PROPERTIES,)
18 Defendant.)

CASE NO. CV-08-5365-CW
**STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER THEREON**

18 The parties, by and through their respective counsel, stipulate to dismissal of this action
19 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
20 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own
21 costs and attorneys’ fees. The parties further consent to and request that the Court retain
22 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511
23 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of
24 settlement agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure Rule 41(a)(1).

4 Respectfully submitted,

5
6 Dated: June 16, 2009

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

7
8 By: _____ /s/
9 Thomas E. Frankovich
10 Attorneys for Plaintiffs CRAIG YATES and
DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES

11
12 Dated: June 17, 2009

STEVEN L. COSTA
LAW OFFICES OF STEVEN L COSTA

13
14 By: _____ /s/
15 Steven L. Costa
16 Attorneys for Defendant ROSE WING
PROPERTIES

17
18 **ORDER**

19 **IT IS HEREBY ORDERED** that this matter is dismissed with prejudice pursuant to
20 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
21 the purpose of enforcing the parties' Settlement Agreement and General Release should such
22 enforcement be necessary.

23
24 Dated: _____, 2009



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26 HONORABLE CLAUDIA WILKEN
United States District Judge of California